

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80072(a)

Specific Purpose:

The Department is amending this regulation to exclude children’s residential facilities from the personal rights requirements specified in this section.

Factual Basis:

This amendment is necessary to clarify that the personal rights requirements for children’s residential facilities are not found in the General Licensing Requirements. The personal rights requirements for children’s residential facilities are found in category specific regulations and incorporate the personal rights found in the General Licensing Requirements and Section 16001.9 of the Welfare and Institutions Code.

Section 83072(a)

Specific Purpose:

The Department is amending this regulation to exclude the personal rights requirements of the General Licensing Requirements for children’s residential care.

Factual Basis:

This amendment is necessary to clarify that the personal rights requirements found in this section of the Small Family Home Regulations stand alone.

Section 83072(b)

Specific Purpose:

The Department is adopting this regulation to clarify that small family homes caring for six or more children shall post a listing of foster children’s personal rights.

Factual Basis:

The adoption of this regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 1530.91(b) of

the Health and Safety Code that requires facilities licensed to provide foster care for six or more children to post a listing of a foster child's rights as specified in Section 16001.9 of the Welfare and Institutions Code.

Section 83072(c)

Specific Purpose:

The Department is amending this regulation to ensure that each schoolage child placed in a small family home is provided with an orientation clearly explaining the personal rights of the child.

Factual Basis:

This amendment is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 1530.91(a) of the Health and Safety Code that requires facilities caring for children to provide each schoolage child with an age and developmentally appropriate orientation explaining the personal rights of children as specified in Section 16001.9 of the Welfare and Institutions Code.

Section 83072(d) et seq.

Specific Purpose:

The Department is amending this regulation to clarify that each child in care shall be advised and given a copy of their personal rights. This regulation incorporates specified personal rights of the General licensing Requirements and Section 16001.9 of the Welfare Institutions Code in order to list all the personal rights accorded to children placed in a small family home.

Factual Basis:

This amendment is necessary to clarify the requirement for licensees, that children in small family homes are to be advised and given a copy of their personal rights. Further, this regulation is amended to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 27 of the Welfare and Institutions Code that requires the Department to list in regulation specified rights of foster children found in Section 16001.9(a) of the Welfare and Institutions Code.

In addition to the personal rights listed in Section 16001.9 of the Welfare and Institutions Code, this regulation incorporates specified personal rights of the General Licensing Requirements in order to list all the personal rights accorded to children placed in a small family home. Based on incorporating these rights, the "Personal Rights" section of the Small Family Home regulations stand alone.

Section 83072(e)

Specific Purpose:

The Department is adopting this regulation to clarify for licensees that nothing in this section shall be interpreted to require them to take any action that would jeopardize the health and safety of children placed in small family homes.

Factual Basis:

The adoption of this regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9(b) of the Welfare and Institutions Code that requires providers to not take any action based on specified personal rights that would impair the health and safety of children in out-of-home placement.

Section 84072(a)

Specific Purpose:

The Department is amending this regulation to exclude the personal rights requirements of the General Licensing Requirements for children’s residential care.

Factual Basis:

This amendment is necessary to clarify that the personal rights requirements found in this section of the Group Home Regulations stand alone.

Section 84072(b)

Specific Purpose:

The Department is adopting this regulation to clarify that group home’s caring for six or more children shall post a listing of foster children’s personal rights.

Factual Basis:

The adoption of this regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 1530.91(b) of the Health and Safety Code that requires facilities licensed to provide foster care for six or more children to post a listing of a foster child’s personal rights as specified in Section 16001.9 of the Welfare and Institutions Code.

Section 84072(c)

Specific Purpose:

The Department is amending this regulation to ensure that each schoolage child placed in a group home is provided with an orientation clearly explaining the personal rights of the child.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 1530.91(a) of the Health and Safety Code that requires facilities caring for children to provide each schoolage child with an age and developmentally appropriate orientation explaining the personal rights of children as specified in Section 16001.9 of the Welfare and Institutions Code.

Section 84072(d) et seq.

Specific Purpose:

The Department is amending this regulation to clarify that each child in care shall be advised and given a copy of their personal rights. This regulation incorporates specified personal rights of the General licensing Requirements and Section 16001.9 of the Welfare Institutions Code in order to list all the personal rights accorded to children placed in a group home.

Factual Basis:

This amendment is necessary to clarify the requirement for licensees, that children in group homes are to be advised and given a copy of their personal rights. Further, this regulation is amended to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 27 of the Welfare and Institutions Code that requires the Department to list in regulation specified rights of foster children found in Section 16001.9(a) of the Welfare and Institutions Code.

In addition to the personal rights listed in Section 16001.9 of the Welfare and Institutions Code, this regulation incorporates specified personal rights of the General Licensing Requirements in order to list all the personal rights accorded to children placed in a group home. Based on incorporating these rights, the “Personal Rights” section of the Group Home regulations stand alone.

Section 84072(e)

Specific Purpose:

The Department is adopting this regulation to clarify for licensees that nothing in this section shall be interpreted to require them to take any action that would jeopardize the health and safety of children placed in group homes.

Factual Basis:

The adoption of this regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9(b) of the Welfare and Institutions Code that requires providers to not take any action based on specified personal rights that would impair the health and safety of children in out-of-home placement.

Section 84172(b) and HANDBOOK

Specific Purpose:

The Department is amending this regulation by adding Section 16001.9 of the Welfare and Institutions Code, and Section 1530.91 of the Health and Safety Code. This amendment affords children placed in community treatment facility specified personal rights and ensures that these rights are posted and children are given an orientation clearly explaining these personal rights.

The Handbook is amended to incorporate the provisions of Section 16001.9 of the Welfare and Institutions Code, and Section 1530.91 of the Health and Safety Code, respectively.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with Section 27 of the Welfare and Institutions Code that requires the Department to list in regulation specified rights of foster children found in Section 16001.9(a) of the Welfare and Institutions Code.

This regulation is necessary for consistency with Section 1530.91(a) of the Health and Safety Code that requires facilities caring for children to provide each schoolage child with an age and developmentally appropriate orientation explaining the personal rights of children as specified in Section 16001.9 of the Welfare and Institutions Code.

This regulation is necessary for consistency with Section 1530.91(b) of the Health and Safety Code that requires facilities licensed to provide foster care for six or more children to post a listing of a foster child’s rights as specified in Section 16001.9 of the Welfare and Institutions Code.

The Handbook is amended to incorporate the provisions of Section 16001.9 of the Welfare and Institutions Code, and Section 1530.91 of the Health and Safety Code, respectively.

Section 84272(a)

Specific Purpose/Factual Basis:

The Department is amending this regulation to clearly identify which personal rights do not apply to children under the age of six. Amending this regulation is necessary to exempt children in care who are under the age of six from specific personal rights that are inappropriate for their age.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 899, Chapter 683, Statutes of 2001

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.